

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

Sections 11971 and 11972. The purpose for the regulations was to satisfy the administrative requirements for the competitive grant portion of the Enhancing Education Through Technology (EETT) program, established as part of the federal *No Child Left Behind* legislation (Public Law, 107-110, Title II, Part D, Section 2401.) The administrative requirements for the competitive grant combined the federal legislation with SB 192 (O'Connell), the Education Technology Grant Program of 2002.

Regulations were needed to establish the basis for the competitive grant application to distribute approximately \$40 million to California public schools to enhance technology education. SB 192 (O'Connell) established priorities for awarding grants and determined the grade level for eligibility and the regional allocation of funds.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF May 2, 2003 THROUGH JUNE 17, 2003.

COMMENT NO. 1: Steven Glycer (see attached e-mail message) raised two issues in an e-mail received by Debra Strain, Regulations Adoption Coordinator. The first issue was that some schools are being penalized because of their CDS designation. Under the current system of preference in the grant award process, schools designated as "high school" are put into the last level of consideration due to the priority ranking under SB 192 (O'Connell). Mr. Glycer would like to have high schools with grade 7-12 configurations included in the highest level of funding priority. The second issue is the requirement that under Expanded Access to Electronic Learning Resources, Including Infrastructure, Equipment and Technical Support (Performance Goal 3) sites must reduce their student-to-multimedia computer ratios with funding under the grant to meet the required performance benchmark. Since the actual language from the Expanded Access to Electronic Learning Resources, Including Infrastructure, Equipment and Technical Support goal states, "All students and teachers in the target group will have expanded access to up-to-date technology tools and electronic learning resources", Mr. Glycer would like to have the benchmark that references multimedia computers replaced with a more generic one that would allow handhelds.

Response: Issue #1: The Superintendent disagrees with the comment. Priority for funding was established by SB 192 (O'Connell). This legislation (Section 52295.30) established priority for awarding grants to schools districts as follows:

- (1) First priority shall be middle and junior high schools.
- (2) Second priority shall be elementary schools.
- (3) Third priority shall be other schools that serve pupils in grades 4 to 8, inclusive.

The regulations cannot be altered to negate the intent of the legislation.

Response: Issue #2: The Superintendent disagrees with the comment. One of the intents of the federal *No Child Left Behind* legislation is to help address the Digital Divide. California helps track student-to-computer ratio through the School Technology Survey. The Survey is part of the eligibility requirements for participation in the EETT Competitive grant and serves to provide a picture of the state's progress in addressing the Digital Divide in our state. There is currently no means for identifying and tracking alternative forms of technology (i.e., handhelds) via the School Technology Survey. In addition, handhelds are not CD-ROM capable which may limit their functionality as a tool for students to utilize with problem-solving software such as simulations.

ALTERNATIVES DETERMINATION

The Superintendent has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

INCORPORATION BY REFERENCE

Form 1, *Application Title Page*, revised April 9, 2003

Form 2, *Certification Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters, and Drug-Free Workplace Requirements*, revised April 9, 2003

Form 3, *Project Summary*, revised April 9, 2003

Form 4, *Accountability Measures/Evaluation*, revised April 9, 2003

Form 5, *Strategies Chart*, revised April 9, 2003

Form 6, *Time Line, Roles, and Responsibilities for Key Personnel*, revised April 9, 2003

Form 7, *Technologies to be Acquired*, revised April 9, 2003

Form 8a, *Priority List of Eligible Middle and Junior High Schools for Which the District, Consortium, and/or Partnership is Applying*, revised April 9, 2003

Form 8b, *Priority List of Eligible Elementary Schools for Which the District, Consortium, and/or Partnership is Applying*, revised April 9, 2003

Form 8c, *Priority List of Eligible Other Schools Serving Grades 4-8 for Which the District, Consortium, and/or Partnership is Applying*, revised April 9, 2003

Form 9, *Consortium and/or Partnership Applicants*, revised April 9, 2003

Change Request for a County-District-School (CDS) Code, revised 6/2003

Scoring Criteria, revised April 9, 2003

All of the documents were incorporated by reference because it would be cumbersome, unduly expensive and otherwise impractical to publish all of them in the California Code of Regulations.

All of the documents were available upon request directly from the California Department of Education for public review and comment during the public comment period.